

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No.: 2017-OFC-00004

DEFENDANT'S WITNESS LIST

Defendant Google Inc. ("Google"), pursuant to the direction of this Court, hereby submits its Witness List regarding who it intends to call as witnesses during its case in chief, and/or as potential rebuttal witnesses. Defendant reserves its right to call witnesses not identified on this Witness List in rebuttal to any testimony given, witnesses called, or exhibits introduced by Plaintiff during the hearing in this matter.

NAME	TITLE	TESTIMONY DESCRIPTION
Carolyn J. Mcham-Menchyk	Compliance Officer United States Department of Labor Office of Federal Contract Compliance Programs ("OFCCP") Los Angeles District Office 1640 S. Sepulveda Blvd. Suite 440 Los Angeles, CA 90025	Background and experience; OFCCP's Compliance Evaluation of Google's Mountain View affirmative action plan ("Compliance Evaluation") to date; OFCCP's onsite visit to Google's premises; OFCCP's correspondence, oral communications and requests to Google for data/information; Google's correspondence, oral communications and data/information submissions to OFCCP; whether OFCCP conducted any compensation analyses prior to the

NAME	TITLE	TESTIMONY DESCRIPTION
		<p>issuance of the Subject Demands; if such compensation analyses were conducted, factual information such as when they were conducted, those involved, the results, the area(s) where potential indicators of compensation issues exist, if any, and other non-privileged information related to same; non-privileged communications regarding any of the above.</p> <p>This testimony is relevant since it: (1) will elicit facts and/or omissions showing that OFCCP cannot meet its burden of proving that the Subject Demands comply with the Fourth Amendment and/or OFCCP's regulations; and/or (2) will elicit facts showing that Google can establish any or all of its defenses in this matter.</p>
Farha Haq	Compliance Officer United States Department of Labor OFCCP Los Angeles District Office 1640 S. Sepulveda Blvd. Suite 440 Los Angeles, CA 90025	<p>Background and experience; OFCCP's Compliance Evaluation to date; OFCCP's requests for applicant flow data and agreement to limit, to date, the applicant flow data requests to only certain job groups; non-privileged communications regarding any of the above.</p> <p>This testimony is relevant since it: (1) will elicit facts and/or omissions showing that OFCCP cannot meet its burden of proving that the Subject Demands comply with the Fourth Amendment and/or OFCCP's regulations; and/or (2) will elicit facts showing that Google can establish any or all of its defenses in this matter.</p>
Agnes H. Huang	Assistant District Director United States Department of Labor OFCCP Los Angeles District Office	<p>Background and experience; OFCCP's Compliance Evaluation to date; role, oversight, direction and non-privileged communications with Compliance Officers Carolyn J. Mcham-Menchyk,</p>

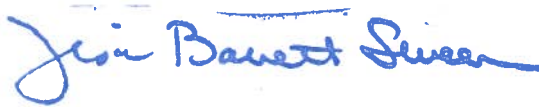
NAME	TITLE	TESTIMONY DESCRIPTION
	1640 S. Sepulveda Blvd. Suite 440 Los Angeles, CA 90025	<p>Farha Haq and/or other OFCCP representatives in connection with the Compliance Evaluation; non-privileged communications regarding any of the above.</p> <p>This testimony is relevant since it: (1) will elicit facts and/or omissions showing that OFCCP cannot meet its burden of proving that the Subject Demands comply with the Fourth Amendment and/or OFCCP's regulations; and/or (2) will elicit facts showing that Google can establish any or all of its defenses in this matter.</p>
Janette Wipper	Regional Director United States Department of Labor OFCCP Pacific Regional Office 90 Seventh Street Suite 18-300 San Francisco, CA 94103	<p>Background and experience; OFCCP's Compliance Evaluation to date; role, oversight, direction and non-privileged communications with OFCCP's Los Angeles District Office representatives, National Office representatives and/or other OFCCP representatives in connection with the Compliance Evaluation; OFCCP's processes and procedures; nonprivileged communications regarding any of the above.</p> <p>This testimony is relevant since it: (1) will elicit facts and/or omissions showing that OFCCP cannot meet its burden of proving that the Subject Demands comply with the Fourth Amendment and/or OFCCP's regulations; and/or (2) will elicit facts showing that Google can establish any or all of its defenses in this matter.</p>
Frank Wagner	Director, Compensation Google Inc. (to be contacted through counsel only)	<p>Background and experience; Google's compensation practices and procedures.</p> <p>This testimony is relevant since it: (1) will elicit facts and/or omissions</p>

NAME	TITLE	TESTIMONY DESCRIPTION
		showing that OFCCP cannot meet its burden of proving that the Subject Demands comply with the Fourth Amendment and/or OFCCP's regulations; and/or (2) will elicit facts showing that Google can establish any or all of its defenses in this matter.
Kristin Zmrhal	Senior Legal Operations Manager Google Inc. (to be contacted through counsel only)	Background and experience; cost and burdens associated with the OFCCP compliance evaluation. This testimony is relevant since it: (1) will elicit facts and/or omissions showing that OFCCP cannot meet its burden of proving that the Subject Demands comply with the Fourth Amendment and/or OFCCP's regulations; and/or (2) will elicit facts showing that Google can establish any or all of its defenses in this matter.
Michael G. Aamodt, Ph.D.	Principal Consultant DCI Consulting Group, Inc. 1920 I Street NW Washington, DC 20006	Expert witness to testify regarding statistical analysis of employee compensation data, and to rebut compensation analyses, if any, proffered by OFCCP in support of its denial of access claim against Google. This testimony is relevant because it will elicit facts and expert opinion showing that OFCCP cannot meet its burden of proving that the Subject Demands comply with the Fourth Amendment and/or OFCCP's regulations.

Dated: March 28th, 2017

Respectfully submitted,

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By: 

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of March, 2017, I caused a true and correct copy of the foregoing Defendant's Witness List to be served by sending a copy of same via courier to:

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